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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3557 OF 2006

Ramlu Guruvayya Bodupalli

and Anr. .. Applicants

Versus

State of Maharashtra & Anr. .. Respondents

Mr.H.K.Prem and Priyanka Vegad for applicants

Mr.P.A.Pol, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th October 2006

P.C.

. Applicants are arrested by the D.C.B.,
C.I.D. (VII) Ghatkopar for offences of forgery

and cheating on 10th September 2006. They were produced before Additional Chief Metropolitan Magistrate, Esplanade and were remanded to police custody till 22nd September 2006 and, thereafter, to judicial custody. At the outset, the learned Advocate for applicant does not press this application insofar as Applicant No.1 at this stage. Application insofar as applicant No.1 Ramlu Guruvayya Bedupalli, is concerned, is rejected with liberty to apply for identical reliefs at an appropriate stage.

2. As far as applicant No.2 is concerned, learned A.P.P. in all fairness states that although affidavit uses the word "Applicants", the acts attributed in paras 5 and 7 thereof, leaving aside the present C.R., pertain to applicant No.1. The applicant No.2 is not involved, prima facie, in the earlier acts. However, in the present case, he is involved in printing of duplicate milk bags of various well known brands and using them for distribution of

adulterated milk in the market. He submits that the investigations are still going on and the application therefore be dismissed.

3. It is not disputed before me that both applicants are also accused in C.R.No.141 of 1999 and C.R.No.23 of 2002. Offences alleged in the other cases, against the applicants are not only under I.P.C. but Prevention of Food Adulteration Act and Copyright Act. It is clarified to me that these cases are only against applicant No.1. However, the applicant No.1 has been enlarged on bail therein. In such circumstances, nothing is pointed out to me to deny bail to applicant No.2.

4. There is no proclamation issued and it is not the case of prosecution that he would not be available for trial. In such circumstances, the case of applicant No.2 deserves to be considered for enlarging him on bail. Hence, following order:-

i) The applicant No.2 Yadgiri Maharayya Gandhashri, arrested in connection with C.R.No.66 of 2006 registered with D.C.B., C.I.D.-VII, Ghatkopar Police Station shall be enlarged in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer D.C.B., C.I.D.-VII, Ghatkopar, once a week on every Friday between 5.00 p.m. and 7.00 p.m. till filing of charge sheet and thereafter as may be directed by the trial court. Applicant No.2 shall be released on bail only on furnishing proof of address given in the cause title and he will not change the residence without prior permission of the I.O.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any

attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)